

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

WILLIE DONNELL BEASLEY, #870844 §

VS. § CIVIL ACTION NO. 6:06cv145

DIRECTOR, TDCJ-CID §

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the petition for a writ of habeas corpus should be dismissed because the Petitioner did not show that he had permission from the Fifth Circuit to file a successive petition. 28 U.S.C. § 2244(3)(A) . The Petitioner has filed two responses saying he did not know that he needed the Fifth Circuit's permission to file a successive petition and asking the Court to delay making a decision in this case while he seeks to obtain permission. The responses are construed as objections.

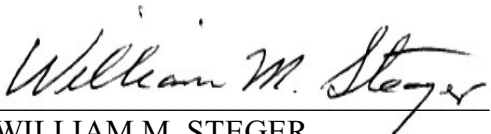
The Report and Recommendation of the Magistrate Judge, which contain his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Petitioner, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. The objections confirm that the Petitioner had not obtained permission from the Fifth Circuit to file a successive petition, thus he was prohibited from filing the petition by 42 U.S.C. § 2244(3)(A). The Petitioner's responses to the Report and Recommendation lack merit, therefore the Court hereby

adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that the petition for a writ of habeas corpus is **DISMISSED** without prejudice. The Petitioner may file a new petition for a writ of habeas corpus challenging his conviction if and only if he first receives permission from the Fifth Circuit to file the petition. It is further

**ORDERED** that all motions not previously ruled on are hereby **DENIED**.

**SIGNED this 10th day of May, 2006.**

  
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WILLIAM M. STEGER  
UNITED STATES DISTRICT JUDGE